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BIO INTELLECTUAL PROPERTY SERVICES (BIO IPS) LLC
8509 KERNON CT.
LORTON VA 22079

In re Application of	:	
IYER, Eswaran Krishnan et al.	:	
Application No.: 10/533,670	:	
PCT No.: PCT/IB03/02949	:	
Int. Filing Date: 24 July 2003	:	DECISION
Priority Date: none	:	
Docket No.: WH-3	:	
For: ORAL COMPOSITIONS FOR	:	
TREATMENT OF DISEASES	:	

This decision is in response to "Request for Corrected Filing Receipt," filed in the above-captioned application on 28 April 2006.

BACKGROUND

On 24 July 2003, applicants filed international application PCT/IB03/02949. A copy of the international application was transmitted to the Office by the International Bureau on 03 February 2005. The deadline for entry into the national phase in the United States was 24 January 2006.

On 03 May 2005, applicants submitted a transmittal letter for entry into that national phase in the United States accompanied by the basic national fee.

On 30 December 2005, applicants submitted a declaration of the inventors.

On 02 March 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 March 2006, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) were satisfied on 30 December 2005.

On 28 April 2006, applicants submitted a request for a corrected filing receipt and a statement that the name of an inventor included a typographical error.

DISCUSSION

Applicants indicate that the correct name of the third inventor is "Rasendrakumar Jayantilal Jha," and that the discrepancy is the result of a typographical error. Applicants' statement is sufficient. However, a review of the declaration filed on 30 December 2005 reveals it does not comply with 37 CFR 1.497(a)-(b). The declaration submitted 28 April 2006 is not necessary to correct the typographical error and is not sufficient to correct the 30 December 2005 declaration deficiencies, as it is executed by only one inventor.

The declaration submitted on 30 December 2005 included one "page 1 of 2," two "page 2 of 2," and one "page 3 of 3." The two pages 2 list the same inventors, but were separately executed. This indicates that at least two copies of the declaration were executed and that they have been pieced together to form a single composite declaration. While it is acceptable for inventors to execute separate copies of the declaration, the complete copy as executed by the inventor must be submitted. As such, the declaration fails to comply with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons discussed above, applicants request to correct the typographical error is GRANTED, but applicants' request for a corrected filing receipt is REFUSED.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 28 April 2006 is VACATED.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 14 March 2006 is VACATED.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) with TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in the abandonment of the application.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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